

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Wallace James Beaulieu,

Civil No. 10-3940 (DWF/JSM)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

State of Minnesota,

Respondent.

Wallace James Beaulieu, *Pro Se*, Petitioner.

Matthew Frank, Assistant Attorney General, Minnesota Attorney General's Office, counsel for Respondent.

This matter is before the Court upon Petitioner Wallace James Beaulieu's ("Petitioner") objections to Magistrate Judge Janie S. Mayeron's Report and Recommendation dated September 27, 2010, insofar as it recommends that:

(1) Petitioner's application for a writ of habeas corpus be denied; (2) Petitioner's Application to Proceed *In Forma Pauperis* be denied; and (3) this action be summarily dismissed for lack of jurisdiction. On November 2, 2010, Respondent filed a letter stating that they agree with the Report and Recommendation and disagree with Petitioner's objections in this matter. (Doc. No. [5].)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local

Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Wallace James Beaulieu's objections (Doc. No. [4]) to Magistrate Judge Janie S. Mayeron's Report and Recommendation dated September 27, 2010, are **DENIED**.

2. Magistrate Judge Janie S. Mayeron's Report and Recommendation dated September 27, 2010 (Doc. No. [3]), is **ADOPTED**.

3. Petitioner's application for a writ of habeas corpus (Doc. No. [1]) is **DENIED**.

4. Petitioner's Application to Proceed In Forma Pauperis (Doc. No. [2]) is **DENIED**.

4. This action be summarily **DISMISSED** for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 3, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge